

## REMARKS

The following remarks are responsive to the Final Office Action of September 11, 2008, and the telephone interview conducted on October 14, 2008. Applicant thanks the Examiner for the courtesy shown during the interview.

Claims 1–4, 6–21, 24, and 25 are currently pending in the application. These claims were rejected under 35 U.S.C. §103(a) as obvious over **Sugimoto** (U.S. Patent No. 6,829,009) in view of **Hong** (KR 2000-0030838) and **Stockton** et al. (U.S. Patent Application Publication No. 2002/0146250).

### **35 U.S.C. §103(a), Claims 1–4, 6–21, 24, and 25 Obviousness over Sugimoto in view of Hong and Stockton**

*1. Applicant has amended independent claims 1, 12, and 20 to include the limitations that the counting, determining the display order, and displaying the menu items is done particularly or specifically for an identified user of the camera.*

In the final Office Action, on pp. 2–13, the Examiner rejected claims 1–4, 6–21, 24, and 25 as being obvious over the teaching of Sugimoto in view of Hong and Stockton.

Applicant had previously argued that the combination of Sugimoto and Stockton does not teach or suggest a management of a menu frequency that is based both on a user identification and for a given user, the particular operating mode in use. Applicant had further argued that these references are silent as to any recognition of a configuration for menu items that is salient to a particular user.

Applicant noted that although Hong does discuss the user login procedure, it does not do so in the context of menu item order on a per-user, per-operation mode basis, and noted that the combination of Sugimoto, Hong, and Stockton does not teach or suggest a management of a menu frequency that is based both on a user identification and for a given user, the particular operating mode in use. Applicant asserted that these references are silent as to any recognition of a configuration for menu items that is salient to a particular user within an operation mode.

The Examiner replied in the Response to Argument section of the Final Office Action, on pp. 13–15, that the features being argued and relied upon by the Applicant:

- based both on a user identification and for a given user; and
  - a configuration for menu items that is salient to a particular user
- were not recited in the rejected claims.

Therefore, Applicant has amended the independent claims to include these limitations. Support for these amendments can be found in the middle portion of p. 6 of the Specification.

The claims, as presently amended, advantageously permit a camera that is used by more than one person to remember a particular menu item ordering based on usage for that user, and preclude the actions of one user of a camera from impacting the menu configurations of another user, as would be the case with the prior art cameras disclosed.

Therefore, for this reason, and based on the amendment to independent claims 1, 12, and 20, Applicant respectfully asserts that independent claims 1, 12, and 20, and the remaining claims that depend therefrom, are not obvious over the combination of Sugimoto, Hong, and Stockton and request that the 35 U.S.C. §103 rejection be withdrawn from the application.

### **Conclusion**

For the foregoing reasons, all pending claims in the present application are believed to be allowable. Thus, the application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

/brian c. rupp/

---

Brian C. Rupp, Reg. No. 35,665  
Mark Bergner, Reg. No. 45,877  
DRINKER BIDDLE & REATH LLP  
191 N. Wacker Drive, Suite 3700  
Chicago, Illinois 60606-1698  
(312) 569-1000 (telephone)  
(312) 569-3000 (facsimile)  
Customer No.: 08968

Date: December 10, 2008  
CH01/ 25263672.1